

## REMARKS

Reconsideration of this application, as amended, is respectfully requested. An RCE accompanies this amendment.

In this amendment, claims 25, 29, 32, 33, 36, 41, and 47 have been amended. No claims have been canceled. No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendments do not add new matter.

Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents.

The Decision on Appeal mailed on March 29, 2010 indicated that the Examiner's rejection of claims 25, 26, 28, 29, 31-34, and 36-47 has been reversed.

The Decision on Appeal indicated a new ground of rejection with respect to claim 25 pursuant to 37 C.F.R. §41.50(b) (2007).

Claim 25 has been rejected under 35 U.S.C. §102(e) over U.S. Patent No. 7,103,284 to Oomori et al. ("Oomori"). Applicants do not admit that Oomori is prior art and reserve the right to swear behind Oomori; at a later date.

Applicants have amended claim 25 to read as follows:

An optoelectronic module comprising:  
a stepped substrate having a lower portion and an upper portion;  
a thermo-electric cooler disposed on the lower portion, wherein the thermo-electric cooler has a top portion and a bottom portion, wherein the bottom portion has a plurality of cavities for electrical traces to contribute to compactness of a footprint of the module;  
a laser light source disposed on the top portion of the thermo-electric cooler.

(Amended claim 25)(emphasis added)

Oomori discloses a light emitting module. More specifically, Oomori discloses that the light emitting module has a Peltier element cooler, a Peltier element driver, and the signal

processor for controlling the Peltier element driver (Figure 1, Abstract). In contrast, amended claim 1 refers to a thermo-electric cooler having a top portion and a bottom portion, wherein the bottom portion has a plurality of cavities for electrical traces. Oomori fails to disclose a stepped substrate having a lower portion and an upper portion; a thermo-electric cooler disposed on the lower portion, wherein the thermo-electric cooler has a top portion and a bottom portion, wherein the bottom portion has a plurality of cavities for electrical traces to contribute to compactness of a footprint of the module, and a laser light source disposed on the top portion of the thermo-electric cooler.

Because Oomori fails to disclose all limitations of amended claim 25, applicants respectfully submit that claim 25, as amended, is not anticipated under 35 U.S.C. §102(e) by Oomori.

Given that claims 25, 26, 28, 29, 31-34, and 36-47 depend from amended claim 25, and adds additional limitations, applicants respectfully submit that claims 25, 26, 28, 29, 31-34, and 36-47 are not anticipated under 35 U.S.C. §102(e) by Oomori.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If the Examiner believes a telephone conference would expedite the prosecution of the present application, the Examiner is invited to call the undersigned at (408) 720-8300.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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